



# PLANNING COMMISSION

Department of Urban Planning & Design • P.O. Box 27210 • Tucson, AZ 85726-7210

**DATE:** May 5, 2004

**TO:** Planning Commission

**FROM:** Albert F. Elias, Executive Secretary 

**SUBJECT:** DRAFT *LAND USE CODE (LUC)* AMENDMENT – DESIGN DEVELOPMENT OPTION – STUDY SESSION

**Issue** – This item is scheduled for discussion by the Planning Commission in study session on tonight's agenda. The purpose of the proposed *Land Use Code (LUC)* amendment (see attachment A) is to expand the applicability of the Design Development Option (DDO), as it may be established in the proposed procedural amendments to the *LUC*, to encourage infill development and improved design. Minor changes are also proposed to other Sections of the *LUC* to clarify the applicability of the DDO.

**Department of Urban Planning and Design Recommendation** – The Department of Urban Planning and Design recommends that the Planning Commission set the proposed *LUC* amendment for public hearing on June 2, 2004.

**Background** – The Planning Commission has recently held a public hearing on amendments to the Tucson Code that consolidate the legislative, administrative and appeal procedures for land use and development approvals. One of the changes proposed by those amendments is to provide an administrative procedure for review and approval of modifications to requirements of the *LUC*, in addition to the existing Board of Adjustment variance request procedure. The *LUC* currently provides for two separate administrative processes, the Lot Development Option (LDO) and the Project Design Option (PDO), which offer modification of building setback provisions and height of accessory walls and fences under the LDO process, and modification of landscaping and screening provisions, the number of off-street motor vehicle parking spaces, and the location and number of bicycle parking spaces through the PDO process.

Staff has researched the Board of Adjustment variance request files and the LDO and PDO files for the years 1999 through 2003, to examine the types and numbers of requests, which might be affected by the proposed amendment. Staff has also received input from members of the Board of Adjustment and other individuals. This input and the analysis of the files suggested that changes to the *LUC* might also be processed in order to reduce the number of cases heard by the Board, which are typically approved. These changes to the *LUC* deal with

the method of measurement of setbacks, based on building height, setbacks, and required number of loading spaces.

**Public Review and Participation** – Staff held a meeting on April 21, 2004, prior to the study session, with members of the public, design professionals, and staff from Development Services. The proposed ordinance was presented to the attendees, and discussion followed about the procedures. Several minor wording changes were proposed, but, in general, the attendees expressed a desire to continue meeting to discuss the ordinance more fully. To facilitate further discussion, staff set a second meeting for April 29. The comments resulting from that meeting will be presented verbally at this evening's study session.

Notice of the proposed amendment was e-mailed to those members of the *LUC* subscribers' list. The draft ordinance was posted on the Department web-site.

**Discussion of Proposed *Land Use Code (LUC)* Amendment** – The changes proposed for the *LUC* address a change in the method of determining setbacks, a change in the minimum floor area which requires a loading space for professional office uses, and clarification on the applicability of requiring loading spaces for projects with a common building but separate lots within the building footprint.

**Setbacks** - Under the current code, a setback is determined by the highest point of a building wall facing a property line, which is measured differently than the building height. The setback based on the building wall height is typically two-thirds of the building wall height. These two ways of measuring height have caused confusion in the application of setbacks. To remove this confusion, the amendment proposes using the building height as the measurement for the setback. Because the building height is measured to the midpoint of a roof, however, which is typically higher than the building wall height, the amendment also proposes reducing the setback requirement to one-half the building height, measured to the roof midpoint.

**Loading Spaces** - Tucson is developed with residential structures along many of the major arterials, many of which are zoned for commercial development. Many of these residences cannot be used practicably as dwellings, and are often converted into office or commercial uses. Because of the layout of the residentially developed lot, conversion to a nonresidential use is often difficult to accomplish, particularly when a loading space and maneuvering area are required on a relatively small lot. Most small offices do not use large trucks for deliveries, but instead use small trucks, such as UPS or Fed-Ex sized vans, or privately owned vehicles to pick-up and deliver supplies. Therefore, the amendment proposes that the threshold for requiring a loading space be increased to 2,500 square feet of floor area, the same requirement in the *Tucson Zoning Code* which preceded the *LUC*.

**DDO Procedures** - The proposed DDO consists of two separate administrative processes. The first process is the Limited Notice Procedure, which is a request for a modification that

has a minimal effect on any adjacent property owner. This procedure is reviewed by the Director of Development Services, with notice given to property owners within fifty (50) feet of the subject property, and to the neighborhood association in which the subject property is located. The proposed amendment includes the expansion of the DDO procedure to include requests to modify:

- Setbacks
- Building and wall heights
- Pedestrian access
- The number of required motor vehicle parking spaces
- The location of required landscaping
- Reduction in the required lot area
- Location of a carport in a front setback area
- The floor area ratio (FAR), and
- Reduction in the maximum permitted lot coverage.

The second process is the Full Notice Procedure, which addresses requests that have a greater effect on adjacent and surrounding properties, and are reviewed by the Board of Adjustment. This requires notice given to property owners within three hundred (300) feet of the subject property, the neighborhood association in which the subject property is located, and all neighborhood associations within one mile of the subject property. This procedure addresses the same modification requests as the Limited Notice Procedure, but allows consideration of a greater degree of modification, and also addresses requests for a reduction in the required number of loading spaces, to encourage re-use of residential structures as professional offices.

As proposed, findings are set forth which require improved design quality and mitigation of potential negative impacts. The findings for approval of the DDO have been changed to eliminate the requirement that the request not be based on a hardship, unlike the findings of the variance procedure. Compliance with the concepts of the Design Guidelines Manual is an important part of the findings. Development and redevelopment, which results in improved design, is an important goal of this process. The Sonoran Institute's publication, "Building From the Best of Tucson", identifies several policy considerations for the City of Tucson and Pima County to follow. One of these considerations states that "land use policies must provide landowners with greater flexibility in developing their property as long as they meet specific performance criteria." The DDO is designed to provide an opportunity for property owners to develop their property according to improved design standards, rather than according to strict code minimums.

**Conclusion** – The proposed code amendment provides a new tool to encourage infill development and quality design in order to implement the policies of the General Plan, such as those found in Element 6, Conservation, Rehabilitation and Redevelopment, which states that both residential and non-residential uses should be developed in established neighborhoods, where the scale and intensity of development is compatible with adjacent uses.

AE:JM/S/Coderev/DDO/DDOPCSScomm050504.doc

Attachments: Attachment A – Draft *Land Use Code (LUC)* Amendment